

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CHILDREN'S INTERNET INC., et al.,

Defendants.

No. C 06-06003 CW

ORDER FOR
SUPPLEMENTAL BRIEF
FROM PLAINTIFF

On June 3, 2009, Plaintiff Securities and Exchange Commission (SEC) filed a motion for an order of civil contempt against Defendant Cort L. Poyner for his failure to pay any portion of the \$413,767 in disgorgement and \$61,118 in prejudgment interest that was ordered by the Court in the November 3, 2008 Revised Final Judgment As to Defendant Cort L. Poyner. On July 20, 2009, the Court issued an Order for Further Financial Documentation from Defendant on Plaintiff's Motion for Contempt (July 20, 2009 Order) which granted Poyner four weeks from the date of the Order in which to file specified financial documents.

On August 17, 2009, Poyner filed a Supplemental Opposition to SEC's Motion for Contempt in which he requested six more weeks in which to file the specified documents. SEC filed an opposition to Poyner's request for additional time and moved that the Court impose civil contempt sanctions.

On August 31, 2009, the Court issued an Order Granting in Part

1 Defendant Poyner's Request for Additional Time, in which it granted
2 Poyner one week from the date of the Order to file all the
3 financial documents required in the July 20, 2009 Order that he
4 already had in his possession, a sworn financial disclosure
5 statement, copies of tax returns, and copies of letters to
6 officials involved in his Florida forfeiture action requesting that
7 any money returnable to Poyner or the trusts be held by the trustee
8 or by the United States for the purpose of paying disgorgement in
9 this proceeding. The Court also ordered Poyner to file, within
10 three weeks from the date of the Order, the rest of the financial
11 documents required in the July 20, 2009 Order.

12 On September 8, 2009, Poyner filed a supplemental brief and
13 declaration of Tom J. LoSavio, Poyner's attorney, in compliance
14 with the first part of the August 31, 2009 Order. In his
15 declaration, Mr. LoSavio stated that Poyner had sent his firm a CD
16 ROM of documents from Pension Financial Services and a large number
17 of documents from the Bank of America, which Mr. LoSavio had
18 delivered to Plaintiff, the Securities and Exchange Commission,
19 without filing them with the Court. Poyner did not file any
20 additional documents with the Court two weeks later as required by
21 the August 31, 2009 Order.

22 Plaintiff has not filed a brief with the Court subsequent to
23 the August 31, 2009 Order. Because Poyner has delivered documents
24 to Plaintiff that he has not filed with the Court, the Court cannot
25 determine whether Poyner is in compliance with its Orders on
26 Plaintiff's motion for contempt. Accordingly, the Court orders
27 Plaintiff to file a supplemental brief stating its position on its
28 pending motion for contempt, describing whether Poyner has or has

1 not complied with the Court's Orders and whether it wishes to
2 pursue its motion for contempt or to withdraw it. Plaintiff must
3 file its supplemental brief within two weeks from the date of this
4 Order.

5 CONCLUSION

6 For the foregoing reasons, Plaintiff is ordered to file a
7 supplemental brief on its motion for contempt within two weeks from
8 the date of this Order.

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10 IT IS SO ORDERED.

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12 Dated: October 2, 2009



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CLAUDIA WILKEN
United States District Judge